



## US Army Corps of Engineers®

# PUBLIC NOTICE

### APPLICATION FOR PERMIT

*LOS ANGELES DISTRICT*

**Public Notice/Application No.:** 200300417-JLB

**Comment Period:** February 10, 2003 through March 17, 2003

**Project Manager:** Joshua L. Burnam (213) 452-3294 [joshua.l.burnam@usace.army.mil](mailto:joshua.l.burnam@usace.army.mil)

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#### **Applicant**

Robert Kanter  
Port of Long Beach  
P.O. Box 570  
Long Beach, California 90801-0570

#### **Contact**

Stacey Crouch (562) 590-4160  
The Port of Long Beach  
P.O. Box 570  
Long Beach, CA 90801-0570

#### **Location**

The Port of Long Beach in Long Beach, Los Angeles County, California (see attached map).

#### **Activity**

The Port of Long Beach has requested reauthorization of their maintenance dredging permit (9700245-TJE). The intent of the permit is to provide blanket authority for routine dredging needs. The applicant would be required not to exceed a volume dredged of 40,000 cubic yards per year, and no more than 200,000 cubic yards in a five-year period. Sampling and analysis of dredged materials, as well as disposal operations, would be considered on a case by case basis, and written approval from the Corps would be required for each proposed maintenance dredging activity. Also, if the applicant proposes to use unconfined ocean disposal at LA-2, concurrence from the USEPA would also be required. Finally, before allowing unconfined ocean disposal, the Corps and EPA would require that the applicant demonstrate an exhaustive search for alternative disposal sites, including beneficial reuse at other regional sites, including landfill, upland sites, and in-harbor beneficial reuse sites pursuant to the CWA 404(b)(1) requirements and the MPRSA. If the material is deemed not suitable for unconfined disposal, other sediment storage options will be required. For more information, see page 4 of this notice and the attached figure.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 (33 U.S.C.

1413), and Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch  
ATTN: CESPL-CO-R-200300417-JLB  
P.O. Box 532711  
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: [joshua.l.burnam@usace.army.mil](mailto:joshua.l.burnam@usace.army.mil)

## **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

## **Preliminary Review of Selected Factors**

**EIS Determination-** A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality-** The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

**Coastal Zone Management-** The applicant will be required to demonstrate the proposed dredging is consistent with an approved Port Master Plan. Furthermore, for any proposed unconfined ocean disposal, separate authorization from the California Coastal Commission would be required.

**Cultural Resources-** The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

**Endangered Species-** Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Maintenance dredging activities occur adjacent to and underneath operational commercial shipping terminals. Although species such as the California brown pelican (*Pelicanus occidentalis*) and the California Least Tern (*Sterna antillarum brownii*) do occur within the Port, the proposed maintenance dredging activities would have no effect on the species because proposed activities would occur in close proximity to terminals with a high ambient level of noise and no suitable foraging or roosting habitats. Therefore, the Corps has preliminarily determined that formal

consultation under Section 7 of the Endangered Species Act does not appear to be required at this time. With this public notice, the Corps is requesting concurrence or non-concurrence with this determination.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

### **Proposed Activity for Which a Permit is Required**

The Port of Long Beach has requested reauthorization of their maintenance dredging permit (9700245-TJE). The intent of the permit is to provide blanket authority for routine dredging needs. The applicant would be required not to exceed a volume dredged of 40,000 cubic yards per year, and no more than 200,000 cubic yards in a five-year period. Sampling and analysis of dredged materials, as well as disposal operations, would be considered on a case by case basis, and written approval from the Corps would be required for each proposed maintenance dredging activity. Also, if the applicant proposes to use unconfined ocean disposal at LA-2, concurrence from the USEPA would also be required. Finally, before allowing unconfined ocean disposal, the Corps and EPA would require that the applicant demonstrate an exhaustive search for alternative disposal sites, including beneficial reuse at other regional sites, including landfill, upland sites, and in-harbor beneficial reuse sites pursuant to the CWA 404(b)(1) requirements and the MPRSA. If the material is deemed not suitable for unconfined disposal, other sediment storage options will be required. For more information, see page 4 of this notice and the attached figure.

### **Additional Project Information**

This proposal represents a reauthorization of the Port's existing maintenance dredging permit, 9700245-TJE, which is scheduled to expire on November 24, 2003.

**Proposed Special Conditions** The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

The following proposed special conditions represent the conditions likely to be applied where unconfined ocean disposal is proposed, representing the most stringent case:

- 1) Dredging authorized in this permit shall be limited to the volume of material necessary to ensure safe mooring for the USCG Halibut. No dredging is authorized for the proposed project until the Corps has provided written notification to proceed according to the requirements below. For this permit, the maximum dredging design depth (also known as the project depth or grade) shall be -10 feet below mean lower low water (MLLW), with a maximum allowable overdredge depth of (two feet) below the maximum dredging design depth.
- 2) The permittee shall send a dredging and disposal operations plan to the Los Angeles District's Regulatory Branch, Attn: Joshua Burnam, P.O. Box 532711, Los Angeles, CA 90053-2325 at least fifteen (15) days before initiation of any dredging operations authorized by this permit. The dredging and disposal operations plan shall include the following information:

A. A list of the names, addresses and telephone numbers of the permittee's project manager, the contractor's project manager, the dredging operations inspector, the disposal operations inspector and the captain of each tug boat, hopper dredge or other form of vehicle used to transport dredged material to the designated transfer site.

B. A list of all vessels, major dredging equipment and electronic positioning systems or navigation equipment that will be used for dredging and transfer operations, including the capacity, load level and acceptable operating sea conditions for each hopper dredge or disposal barge or scow to assure compliance with special conditions on dredging and disposal operations.

C. The results of a detailed Tier I and II analysis of all material to be dredged.

D. A detailed description of the dredging and disposal operations authorized by this permit. Description of the dredging and disposal operations should include, at a minimum, the following:

- i. Dredging and disposal procedures for all dredged sediment including all material unsuitable for disposal.
- ii. Dredging operations for material suitable for disposal to be dredged from the project area.
- iii. Disposal methods to be used for disposal
- iv. A schedule showing when the dredging project is planned to begin and end.

E. A predredging bathymetric condition survey (presented as a large format plan view drawing), taken at least thirty (30) days before the dredging begins, accurate to 0.5-foot with the exact location of all soundings clearly defined on the survey chart. The predredge survey chart shall be prepared showing the following information:

- i. The entire dredging area, the toe and top of all side-slopes and typical cross sections of the dredging areas. To ensure that the entire area is surveyed, the predredge condition survey should cover an area at least 50 feet outside the top of the side-slope or the boundary of the dredging area, unless obstructions are encountered.
- ii. The dredging design depth, overdredge depth and the side-slope ratio.
- iii. The total quantity of dredged material to be removed from the dredging areas and the side-slope areas.
- iv. Areas shallower than the dredging design depth shall be shaded green, areas between the dredging design depth and overdredge depth shall be shaded yellow, and areas below overdredge depth that will not be dredged shall be shaded blue.
- v. The predredging survey chart shall be signed by the permittee to certify that the data are accurate and that the survey was completed at least thirty (30) days before dredging begins.

F. A debris management plan to prevent disposal of large debris at all disposal locations. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

G. Dredging operations shall not commence until the dredging operations plans are approved in writing by the Los Angeles District and the permittee receives a Notice to Proceed from the Los Angeles District.

3) If a violation of any permit condition occurs during dredging operations, the dredging operations inspector shall report the violation to the permittee immediately. The permittee shall report any violations to the Los Angeles District's Regulatory Branch at (213) 452-3407 within twenty-four (24) hours after the violation occurs. If the permittee retains any contractors to perform any activity authorized by this permit or to monitor compliance with this permit, the permittee shall instruct all such contractors that notice of any permit violations must be provided to the permittee immediately so the permittee can report the violation as required.

4) The permittee shall use an electronic positioning system to navigate during dredging and disposal operations as well as operate an electronic positioning system on the vessel carrying the dredged material (barge scow, hopper dredge). For this section of the permit, the electronic positioning system shall have a minimum accuracy and precision of 10 feet (3 meters). If the electronic positioning system fails or navigation problems are detected, all dredging operations shall cease until the failure or navigation problems are corrected. Any navigation problems and corrective measures shall be described in writing in the post-dredging report.

- A. The permittee shall maintain a copy of this permit on all vessels used to dredge, transport and dispose of dredged material authorized under this permit.
- B. The permittee shall send one (1) copy of the post-dredging report to the Los Angeles District's Regulatory Branch documenting compliance with all general and special conditions defined in this permit. The post-dredging report shall be sent within 30 days after completion of the dredging and disposal operations authorized in this permit. The report shall include:
  - i. All information collected by the permittee, the dredging operations inspector and the disposal operations inspector or the disposal vessel captain as required by the special conditions of this permit. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail.
  - ii. The post-dredging report shall include the following information:
    - a. Corps permit number.
    - b. Total cubic yards disposed at each disposal site.
    - c. Tug boat, hopper dredge or other disposal vessel logs documenting contact with USCG MSO Los Angeles Long Beach before each trip to each disposal site.
    - d. Copies of all Dredging Operations Compliance Forms and Disposal Operations Compliance Forms.
    - e. Mode of dredging, transportation and disposal.
    - f. Form of dredged material and percent sand, silt and clay in the dredged material.

- g. Actual start date and completion date of dredging and disposal operations.
- h. A detailed post-dredging condition survey (presented as a large format plan view drawing) showing areas shallower than the dredging design depth shaded green, areas between the dredging design depth and overdredge depth shaded yellow, areas below overdredge depth that were not dredged or areas that were deeper than the overdredge depth before the project began as indicated on the predredging survey (Special Condition 2E) shaded blue, and areas dredged below the overdredge depth or outside authorized boundaries shaded red.
- i. The methods used to prepare the post-dredging survey shall be the same as the methods used in the predredging condition survey. The survey shall be signed by the permittee certifying that the data are accurate.

5) Upon request, the permittee and its contractors shall allow inspectors from the Los Angeles District or the USCG to inspect all phases of the dredging and disposal operations.

6) Upon request, the permittee and all contractors retained to perform work authorized by the permit or to monitor compliance with this permit shall make available to inspectors from the Los Angeles District or the USCG the following: dredging and disposal operations inspectors' logs, the vessel track plots and all disposal vessel logs or records, any analyses of the characteristics of dredged material, or any other documents related to dredging and disposal operations.

For additional information please call Joshua L. Burnam of my staff at (213) 452-3294. This public notice is issued by the Chief, Regulatory Branch.